IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 5237 of 2005

Between:

Sami Seshachalam Chetty Visvodaya Girls High School, Janatha Pet, Kavali, Nellore District rep., by its
Correspondent P.Adisesha Reddy.

... PETITIONER

AND

1 The State of Andhra Pradesh, rep., by the Principal Secretary

to the Government, Education Department,

Secretariat, Hyderabad.
2 The Commissioner & Director of School Education,

Andhra Pradesh, Hyderabad.
3 The Regional Joint Director of School Education, Guntur.
4 The District Educational Officer, Nellore, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring as illegal, arbitrary and unconstitutional the orders of the 1st respondent issued in Memo No.12080/COSE/A2/2004 dt.20-10-2004 and issue a consequential direction to the respondents to permit filling up of the existing three aided post vacancies, by appointing the selection candidates and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances

of the case.

Counsel for the Petitioner:MR.P.ROY REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following :

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O R D E R:

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The petitioner is an educational institution. Three Aided posts became vacant, on account of the retirement of incumbents. Therefore, it sought permission of the respondents 2 and 3, to fill up the posts. Permission is said to have been accorded on 28.5.2004, by the second respondent. Before any steps could be taken to fill up the posts, the Government, first respondent, imposed a ban on filling up of the posts of Aided vacancies, through its order dated 20.10.2004.

The petitioner proceeded to select the candidates on the strength of permission accorded to it, and submitted proposals for approval of the selection. However, the third respondent addressed a letter dated 9.11.2004 stating that in view of the ban imposed by the Government, they cannot take any further steps. The petitioner challenges the inaction of the respondents in according approval for the selection undertaken by it, on the ground that the ban came to be imposed after the permission was accorded to it.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Education.

It is not in dispute that the petitioner was accorded permission on 28.5.2004, to fill up the Aided vacancies. The selection was undertaken and proposals were submitted for approval, for appointment of the selected candidates. From the correspondence that ensued among the respondents, it is evident that the proposals were not considered, in view of the ban imposed by the Government on 20.10.2004. The question as to whether the ban imposed by the 1st respondent on 20.10.2004, would effect the permissions, which were already accorded, was dealt with by this

Court in W.P.No.24559 of 2004. After referring to the various contentions on behalf of the parties, it was held that the ban does not operate against the permissions, which were already accorded.

In that view of the matter, the writ petition is disposed of, directing the respondents 1 and 2 to process the proposals submitted by the petitioner, and pass appropriate orders thereon, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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29th April 2005

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To

1 The Principal Secretary to Government,

Govt. of Andhra Pradesh, Education Department,

Secretariat, Hyderabad.

2 The Commissioner & Director of School Education,

Andhra Pradesh, Hyderabad.

3 The Regional Joint Director of School Education, Guntur.

4 The District Educational Officer, Nellore, Nellore District.

5 Two C.Cs. to the Government Pleader for Education,

High Court buildings, Hyderabad (OUT)

6 Two C.D.copies